REMARKS

The present invention is a method of operating a mobile phone network. In accordance with an embodiment of the invention, a method of operating a mobile phone network in accordance with the invention includes recording an email address in association with a mobile phone number; receiving a text message addressed to said number; receiving a text message redirect instruction associated with said mobile phone number wherein said redirect instruction is received from a subscriber in advance of said message; converting the text message into an email addressed to said email address; and sending an email.

Claims 1-12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication number 2003/0016639 (Kransmo, et al.). These grounds of rejection are traversed with respect to claims 3, 4, 11 and 12 which have been rewritten as independent claims 13-16.

Submitted herewith is the Declaration of Dhiren Patel, counsel to the Assignee, setting forth facts demonstrating that a conception of the invention occurred at least as early as July 10, 2001, followed by due diligence leading to a constructive reduction of practice of the filing of the application on December 21, 2001. The aforementioned sequence of events annedates the July 19, 2001 filing date of Kransmo, et al. Accordingly, the rejection of claims 1-12 as being anticipated by Kransmo is improper and should be withdrawn.

Kransmo, et al discloses a telecommunication system and method for delivering a SMS message to a mobile terminal in a data mode within a network capable of providing both voice services and data services. When a SMS

message is to be received during a data session, the SMS message is encapsulated into a packet and routed to the mobile terminal as an electronic mail message. This eliminates the problem described in the related art of SMS messages not being available when mobile terminals are connected to a data carrier. See paragraphs [0004] – [0008] of Kransmo, et al. It is therefore seen that Kransmo, et al provide a mechanism which avoids the prior art sending of pages to a mobile terminal forcing the mobile terminal to abandon the data session by providing an SMS message encapsulated into an internet protocol packet and routed to the mobile terminal as an electronic mail messages. See paragraph [0028].

Claims 3 and 4 and 11 and 12 claim the receiving of a text message redirect instruction associated with a mobile telephone number with a redirect instruction being received from a subscriber in advance of the text message or wherein said redirect instruction is generated after receipt of said text message and in dependence upon a non-delivery criteria relating to the availability of a mobile station to received said message. This subject matter is not disclosed in Kransmo, et al.

It is noted in the discussion of claims 3, 4, 11 and 12 that the Examiner refers to paragraphs [0007] and [0009] of Kransmo, et al. However, the Examiner's reliance upon paragraph [0007] and [0009] is submitted to be misplaced. If the Examiner persists in the stated grounds of rejection, it is requested that he point out on the record where a redirect instruction associated with a mobile phone number is received from a subscriber in advice of said text

message or is generated after receipt of said text message and in dependence upon a non-delivery criteria relating to the unavailability of a mobile station to receive said message.

Moreover, it is submitted that there is no basis in the record why this subject matter is not obvious.

In view of the foregoing remarks, it is submitted that each of the claims in the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

If the Examiner believes that there are any other points which may be clarified or otherwise disposed of either by telephone discussion or by personal interview, the Examiner is invited to contact Applicants' undersigned attorney at the number indicated below.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Antonelli, Terry, Stout & Kraus, LLP Deposit Account No. 01-2135 (Docket No. 367.41037TRN), and please credit any excess fees to such deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

By _____
Donald E. Stout
Reg. No. 26,422

DES/dlt

1300 North Seventeenth Street, Suite 1800
Arlington, Virginia 22209
Telephone: (703) 312-6600
Facsimile: (703) 312-6666

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preferably, said gateway obtains said email address from a database in dependence on said text message's destination address.

According to the present invention, there is also provided a gateway apparatus for a mobile telephone network, the apparatus comprising:

text message receiving means for receiving a text message;

address obtaining means for obtaining an email address in dependence on a destination associated with a text message received by the text message receiving means; and

email means for forming an email from the text in a text message received by the text message receiving means and sending it to the address obtained for it by the address obtaining means.

The gateway apparatus may be used in combination with a database storing a mapping of text message destinations onto email addresses, in which case the address obtaining means is configured to obtain email addresses from said mapping in said database.

Brief Description of the Drawings

Figure 1 shows a network system in which the present invention is implemented; and

Figure 2 is a flowchart illustrating the operation of a gateway according to the present invention.

APPENDIX A